

See you in Federal Court. The NAB and Ed Fritz have used deception by and/or to prevent the disclosure or recognition of The NAB's ( monopoly & oligopoly & cartel ), by using The FCC as a Federal Government ( monopoly & oligopoly & cartel ). MIS-PRISON OF FELONY

NEW LAWSUIT

Monday, February 14, 2005

WILL PROVE FACTS AT HEARING

UNITED STATES

DISTRICT COURT DISTRICT OF DELAWARE

Plaintiff APPLICATION TO PROCEED WITHOUT PREPAYMENT OF V. FEES  
AND AFFIDAVIT

Defendant(s) CASE NUMBER:

I, Joseph D'Alessandro declare that I am the Petitioner/Plaintiff/Movant Other in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915, I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? No

If "YES" state the place of your incarceration

Are you employed at the institution? No

Do you receive any payment from the institution? No

Have the institution fill out the certificate portion of this affidavit and attach a ledger sheet from the institution(s) of your incarceration showing at least the past SIX months' transactions. Ledger sheets are not required for cases filed pursuant to 28:USC §2254.

2. Are you currently employed? No

a. If the answer is "YES" state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "NO" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment No

b. Rent payments, interest or dividends No

c. Pensions, annuities or life insurance payments No

d. Disability or workers compensation payments Yes

e. Gifts or inheritances No

f. Any other sources No

If the answer to any of the above is "YES" describe each source of money and state the amount

received AND what you expect you will continue to receive.

Social Security Disability Limited Income  
\$1,250.00 per month which is a CREDIT WE ARE BANKRUPT WE HAVE NO MONEY  
I exercise my U.S. Constitutional Right, my First Amendment Right to  
redress my Government  
the federal courts are part of my government. Furthermore the filing of  
\$150.00 dollars is unconstitutional  
no where does it states in the U.S. Constitution i have to pay a filing  
fee to petition my government, this  
warrants another lawsuit, the federal courts owes me \$2,000.00 dollars,  
which i need for medical cost  
which are in the thousands.

4. Do you have any cash or checking or savings accounts? ! Yes  
If "Yes" state the total amount \$ ZERO CREDIT BALANCE

5. Do you own any real estate, stocks, bonds, securities, other  
financial instruments, automobiles or  
other valuable property? No  
If "Yes" describe the property and state its value.

6. List the persons who are dependent on you for support, state your  
relationship to each person and  
indicate how much you contribute to their support, OR state NONE if  
applicable.  
I declare under penalty of perjury that the above information is true  
and correct.  
My Wife Olga D'Alessandro. My entire paycheck goes to living expenses  
for myself and my wife.

Monday, February 14,  
2005

PRELIMINARY Statement To Federal Judge  
To Federal Judge Who is Assigned this Case.

Copy:

Justice Stephen Breyer Chairman of the Judicial Conduct and Disability  
Act Study Committee  
Thurgood Marshall Federal Judiciary Building  
One Columbus Circle, N.E. Room 6100  
Washington, D.C. 20002-8003

The Honorable James F. Sensenbrenner, Jr (Chair) Judiciary Committee  
United States House of Representatives  
2449 Rayburn House Office Building  
Washington, D.C. 20515-4905

The Distinguished Senator John McCain  
Commerce, Science and Transportation Committee  
Members, Staff and Contact Information  
Address: 508 Dirksen Senate Office Building Washington, DC 20510

The Distinguished Representative Joe Barton, Chairman  
Energy and Commerce Committee  
Members, Staff and Contact Information

Address: 2125 Rayburn House Office Building Washington, DC 20515

Do not usurp my Constitutional Rights by FRCP 12 (b) 6.  
12(b) dismissal into a summary judgment motion then it must give the parties notice and an opportunity to be heard. Rule 12 (b) Jacobson v. A.E. Capital Corp. 50 F.3d 1493, 1496 (9th Cir. 1995).

Owen v. City of Independence

"The innocent individual who is harmed by an abuse of governmental authority is assured that he will be compensated for his injury."

Sherar v. Cullen, 481 F. 2d 946 (1973)

"There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights."

Futhermore. In America, all persons are entitled to due process of law under the Administrative Procedures Act.

[Russell-Newman Mfg. Co. v. N.L.R.B., C.A. Tex 1966, 370 F2d 980]

[Amos Treat & Co. v. Securities & Echange Commission, 306 F2d 260 (1962), 113 US App. D.C. 100]

[Southern Stevedoring Co. v. Voris, C.A. Tex 1951, 190 F2d 275]

(1) opportunity to be heard.

(2) due notice of hearing

(3) fair conduct of hearing

PRO SE RIGHTS Joseph D'Alessandro

Conley v. Gibson, 355 U.S. 41 at 48 (1957)

Davis v. Wechler, 263 U.S. 22, 24; Stromberb v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449

Elmore v. McCammon (1986) 640 F. Supp. 905

the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."

Haines v. Kerner, 404 U.S. 519 (1972)

Allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient"... "which we hold to less stringent standards than formal pleadings drafted by lawyers."

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233

Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.

Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)

Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."

Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals

The plaintiff's civil rights pleading was 150 pages and described by a

federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)  
It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson (see case listed above, Pro Se Rights Section).

Roadway Express v. Pipe, 447 U.S. 752 at 757 (1982)  
Due to sloth, inattention or desire to seize tactical advantage, lawyers have long engaged in dilatory practices... the glacial pace of much litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law."

Sherar v. Cullen, 481 F. 2d 946 (1973)  
There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."

Schwartz v. Board of Examiners, United States Reports 353 U.S. pages 238, 239.  
The practice of law cannot be licensed by any state/State."

Sims v. Aherns, 271 SW 720 (1925)  
The practice of law is an occupation of common right."

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DISTRICT COURT

IN THE UNITED STATES

FOR THE DISTRICT OF DELAWARE

Joseph D'Alessandro Pro Se & Pro Socia and alike citizens of the  
Republic Of The United States  
for example Frank Patterson's WFBP- LP/Taylors, SC  
23136 Prince George Drive Angola Estates  
Lewes, Delaware 19958-9342

Plaintiffs'

Civil Docket No.  
VERIFIED COMPLAINT DEMAND A

JURY TRIAL (seventh amendment)  
v.

UNITED STATES OF AMERICA  
through The Federal Communications Commission  
and federal employees in there official capacity  
and individual capacity.

defendants

CXR Holdings, Inc. THROUGH a foreign corporation and/or entity under the

law.  
Cox Television Atlanta, GA

defendants

GREAT SCOTT BROADCASTING a foreign corporation and/or entity under the law  
224 MAUGERS MILL ROAD  
City POTTSTOWN PA.

defendants

Dow Lohnes & Albertson THROUGH a foreign corporation and/or entity  
under the law  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036 -6802

Leventhal Senter & Lerman PLLC a foreign corporation and/or entity  
under the law  
Suite 600  
2000 K Street, N.W.  
Washington, D.C. 2000

defendants

WOLC MARANATHA, INC. a foreign corporation and/or entity under the law  
in its  
official capacity as a full p[ower FM Station and the  
following individuals in there individual capacity.  
President, Robert Shores, Vice President, Larry Davis Treasurer, Gordon  
Marsh  
Secretary, Bruce Pape Donald Andrews Jeff Phillips Ralph Scott Bruce Ward  
Roger Marino Harry Alexander Vernon Downes John Hopkins  
MAILING ADDRESS P. O. BOX 130  
P. O. BOX 130  
PRINCESS ANNE STATE MD

defendant

National Association of Broadcasters a foreign corporation and/or entity  
under the law  
1771 N Street, NW  
Washington, DC 20036  
and in their official capacity and as a individuals  
Edward O. Fritts President and CEO Washington, DC  
NAB Executive Offices

Andrew S. Fisher President Atlanta, GA  
Cox Television a foreign corporation and/or entity under the law

Alan W. Frank President and CEO Detroit, MI Post-Newsweek Stations, Inc.  
a foreign corporation and/or entity under the law

Dean Goodman President/COO West Palm Beach, FL  
Paxson Communications Corporation a foreign corporation and/or entity  
under the law

Bruce T. Reese President/CEO Salt Lake City, UT  
Bonneville International Corporation a foreign corporation and/or entity  
under the law

Benjamin W. Tucker Jr. Acting President/CEO Seattle, WA  
Fisher Communications Company a foreign corporation and/or entity under  
the law

W. Russell Withers Jr. Owner Mount Vernon, IL  
Withers Broadcasting Companies a foreign corporation and/or entity under  
the law

See Exhibit A attached  
See Exhibit B attached  
See Exhibit C attached

Motion by Plaintiff for a (Equity) PRELIMINARY  
INJUNCTION Hearing

Until  
case is decided by Trial

Jurisdiction And Statues

PRELIMINARY INJUNCTION Points of Authority. "STARE DECISIS"  
Chalk v. United States Dist. Ct., 840 F.2d 701, 704 (9th Cir. 1988).  
These are not discrete tests, but are instead "outer reaches 'of a  
single continuum."

Cf. Movie Systems, Inc. v. MAD Minneapolis Audio Distrib., 717 F.2d 427,  
432 (8th Cir.'83) (injunction was specific enough to give 'explicit  
notice of precisely what conduct is forbidden').

Annotation

PROCEDURAL AND "SUBSTANTIVE RIGHTS" Substantive Due Process  
"STARE DECISIS"

The United States Supreme Court has held for most of its history that  
due process must include limits not only on how laws are passed or  
enforced, but on what kind of laws may be imposed by majorities upon  
minorities and individuals. The court has consistently viewed the due  
process clause as embracing those rights that are "implicit in ordered  
liberty." Just what these rights are is not always clear. Throughout the  
court's history, substantive due process has protected liberty, and the  
extension of much of the Bill of Rights over Unconstitutional Laws and  
Rules.

U.S. Constitution: 14th Amendment Rights Guaranteed Privileges and  
Immunities of Citizenship, Due Process

and Equal Protection

Plaintiffs United States Constitutional Rights, Civil Rights, Civil  
Liberties, Legal Rights, and Bill

Of Rights Have Been Stolen and/or Usurped by all Defendants. 1. To

seize and hold plaintiff (the power or rights

of plaintiffs substantive rights without legal authority. 2. To take over or occupy without right.

To seize plaintiffs place, authority, or possession wrongfully. WRBG-LP is protected by the jurisdiction of

Federal Law, according to federal jurisdiction pursuant to (a) Article III § 2 which extends the jurisdiction

PROCEDURAL AND "SUBSTANTIVE RIGHTS" Substantive Due Process

arising under the U.S. Constitution. TITLE 28 PART IV CHAPTER 85 JURISDICTION

sec. 1331. Federal question sec. 1332. Diversity of citizenship; amount in controversy; costs

(b) The Federal Administrative Procedures Act.

(c) TITLE 18 SECTION 242 DEPRIVATION OF RIGHTS UNDER and COLOR OF LAW,

TITLE 18 SECTION 241. -CONSPIRACY AGAINST RIGHTS. AND MIS-PRISON OF FELONY

all defendants are aware of this criminal activity.

(d) U.S Codes, Title 42, Chapter 21, Subchapter I, Section 1983 - Civil Action for

Deprivation of Rights

(e) The Federal and State Anti Trust Laws ( monopoly & oligopoly & cartel ) 1914 - Clayton Antitrust Act,

Sherman Antitrust Act of 1890, Hart-Scott-Rodino Antitrust Improvements Act, Common law,

Federal Trade Commission Act, Robinson-Patman Act, Sherman Antitrust Act, Antitrust deals with the area

of law concerned with maintaining competition in private markets. The American antitrust and fair trade laws

protect and promote competition in the free enterprise system. These laws provide remedies for businesses

and consumers from the effects of monopolization and conspiracy, fixed prices, boycotts, refusals to deal,

divided markets, etc.

The NAB and Ed Fritz have used deception by and/or to prevent the disclosure or recognition of

The NAB's ( monopoly & oligopoly & cartel ), by using The FCC as a

Federal Government

( monopoly & oligopoly & cartel ). MIS-PRISON OF FELONY

1. Text intended to separate ideas.

## CONSTITUTIONAL

### COMPLAINT

The "why" is substantive due process. Even if an unreasonable law is passed and signed into law legally

(procedural due process), substantive due process can make the law unconstitutional. The Roe v Wade abortion

decision declared a Texas law in violation of due process.

The Fourteenth Amendment prohibits the deprivation of liberty or property without due process of law. A due

process claim is cognizable (Knowable) only if there is a recognized liberty (Freedom from unjust

or undue governmental control) or property (Something tangible or intangible)

interest at stake. Board of Regents v. Roth, 408 U.S. 564, 569 (1972).

futhermore you are deliberately causing LEGAL ABUSE SYNDROME mental and physical damage, i am

disabled and my life savings are invested in this LPFM station, over \$20, 000.00 plus a 25 year lease for studio,

and bills, and thousands of dollars cost (intangibles and tangibles)

WRBG-LP can not be forced off the air by greed (oligopoly & cartel) and to dominate, The Public Air

Spectrum by excluding others. My Life savings are in this WRBG-LP. (Our Lives will be rendered

useless or ineffective)

My Community LPFM-LP Station must have rank position relative to my "SUBSTANTIVE RIGHTS"

and "SUBSTANTIVE DUE PROCESS OF LAW AND/OR CIVIL RIGHTS" and "DUE PROCESS OF LAW "

The United States Constitution. Clauses of the First, Fifth, Ninth, and Fourt